

End
79. The method of claim 75 wherein the material of the outer layer is selected from the group consisting of polyethylene terephthalate (PET), polyethylene naphthalate (PEN), nylon 6, nylon 6/6, nylon 6/66, nylon 6/9, nylon 6/10, nylon 6/12, nylon 11 and nylon 12.

REMARKS

In accordance with the above preliminary amendment, claims 42-58 contained in the parent application have been canceled, without prejudice, in favor of a new slate containing claims 59-79. Claims 59-79 are now under consideration in this application and no claim has been allowed.

With regard to the Final Action in the parent application, it is believed that the claims of the new slate overcome the previous rejection under 35 U.S.C. § 112. Curative language suggested by the Examiner has been adopted in the new independent claims.

With respect to the merits of the claims, applicant is still of the opinion that the Wang et al reference (U.S. Patent 5,195,969) is not of good date and therefore represents an improper reference not validly applicable to the claims. The arguments submitted in previous remarks in the parent application (Paper No. 7 dated 19 September 1994) as addressed there to claims 42 and 50 apply equally to the present independent claims 59 and 65, claim 59, in this regard, being of the same scope as claim 43 and claim 65 being of the same scope as claim 44.

Applicant by no means intends to abandon his position in this regard; however, applicant also believes that the present claims are patentable over the applied combinations of references even including the Wang et al '969 reference. Reasons are set out next below.

Wang et al disclose a laminated balloon having a plurality of co-extruded co-extensive layers of different polymer materials, but in which the inner layer is a polyolefin polymer or copolymer thereof such that it can be heat-bonded to a catheter.

Further, with respect to catheter bonding, the disclosure and teaching of Wang et al is clear and emphatic. Materials are to be employed so that heat bonding can be used and adhesive bonding is discouraged. With respect to polyethylene terephthalate, for example, at column 1, lines 36-39, Wang et al state:

On the other hand, polyethylene teraphthalate balloons require adhesives to bond them to catheters and adhesive bonding frequently is not dependable and it thickens the catheter at the point of the bond. (Emphasis added)

It is clear also from column 1, lines 64-68 that the purpose of the polyolefin polymer or copolymer as the inner layer is to avoid the necessity of using adhesives to bond the expander to the catheter.

With regard to present claim 59, claims 60-64 which depend from it, and claim 72, it is clear that an adhesive material is required to bond the expander to the catheter; and, the Examiner's remarks to the contrary notwithstanding, anyone encountering the

Wang et al reference, it is submitted, would clearly be led away from constructing an expander in a manner which required an adhesive material to bond the balloon to the catheter. That approach is directly disparaged by Wang et al. Also, no combination of the secondary references cited and Wang et al, it is believed, could lead to any other conclusion and so any prima facie finding of obviousness must fail. Any conclusion to the contrary denies the teachings of Wang et al.

With respect to the present claims 65-70 and 73, which are directed to embodiments that include heat or melt bonding as the means of fixing the expander onto the catheter tube, it should be noted that it is a further requirement of the present claims that both layers, i.e., the co-extruded outer layer and inner layer, be biaxially oriented. This clearly is not taught by Wang et al or the other references of the combination. Nor is this believe rendered obvious by any of the cited combinations inasmuch as there is no reason for one, based on the prior art, to understand a need or advantage to producing a multi-layer expander in which all formed layers are biaxially oriented.

With respect to claims 71 et seq, of course, not only are the only above arguments valid and applicable, the claims further require step (e) "coating the outer surface of the expander member with an hydrophilic lubricious plastic material".

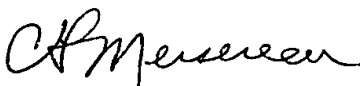
The Examiner's application of a variety of combinations of a rather extensive number of applied references have been carefully

reviewed but are believed rendered moot in view of the amended claims and clear inadequacy of the primary reference.

In view of the above amendments taken together with the remarks herein, applicant is of the opinion that the present slate of claims is patentably distinct from any prior art known to him utilized either singularly or in combination and consideration and early allowance of the claims is earnestly solicited.

Respectfully submitted,

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